

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

RENEE J. WALBERT
5315 Greenwich Court
Newark, CA 94560

Registered Nurse License No. 608816
Public Health Nurse Certificate No. 66318

Respondent

Case No. 2012-393

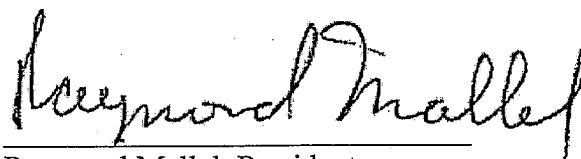
OAH No. 2012060400

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **November 16, 2012.**

IT IS SO ORDERED **October 17, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
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Attorneys for Complainant

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-393

13 **RENEE J. WALBERT**
5315 Greenwich Court
Newark, CA 94560

OAH No. 2012060400

14 **Registered Nurse License No. 608816**
15 **Public Health Nurse Certificate No. 66318**

16 **STIPULATED SETTLEMENT AND**
17 **DISCIPLINARY ORDER**

18 Respondent.

19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
21 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
22 which will be submitted to the Board for approval and adoption as the final disposition of the
23 Accusation.

24 **PARTIES**

25 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
26 Registered Nursing. She brought this action solely in her official capacity and is represented in
27 this matter by Kamala D. Harris, Attorney General of the State of California, by Char Sachson,
28 Deputy Attorney General.

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

10. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-393.

11. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CIRCUMSTANCES IN MITIGATION

12. Respondent Renee J. Walbert has never been the subject of any disciplinary action. She is admitting responsibility at an early stage in the proceedings.

CONTINGENCY

13. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 608816 and Public Health Nurse Certificate No. 66318 issued to Respondent Renee J. Walbert (Respondent) are revoked. However, the revocations are stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no

1 more than 15 days of any address change and shall at all times maintain an active, current license
2 status with the Board, including during any period of suspension.

3 Upon successful completion of probation, Respondent's license shall be fully restored.

4 **3. Report in Person.** Respondent, during the period of probation, shall appear in
5 person at interviews/meetings as directed by the Board or its designated representatives.

6 **4. Residency, Practice, or Licensure Outside of State.** Periods of residency or
7 practice as a registered nurse outside of California shall not apply toward a reduction of this
8 probation time period. Respondent's probation is tolled, if and when she resides outside of
9 California. Respondent must provide written notice to the Board within 15 days of any change of
10 residency or practice outside the state, and within 30 days prior to re-establishing residency or
11 returning to practice in this state.

12 Respondent shall provide a list of all states and territories where she has ever been licensed
13 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
14 information regarding the status of each license and any changes in such license status during the
15 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
16 license during the term of probation.

17 **5. Submit Written Reports.** Respondent, during the period of probation, shall submit
18 or cause to be submitted such written reports/declarations and verification of actions under
19 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
20 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
21 Respondent shall immediately execute all release of information forms as may be required by the
22 Board or its representatives.

23 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
24 state and territory in which she has a registered nurse license.

25 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall
26 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
27 6 consecutive months or as determined by the Board.

28 For purposes of compliance with the section, "engage in the practice of registered nursing"

1 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
2 non-direct patient care position that requires licensure as a registered nurse.

3 The Board may require that advanced practice nurses engage in advanced practice nursing
4 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

5 If Respondent has not complied with this condition during the probationary term, and
6 Respondent has presented sufficient documentation of her good faith efforts to comply with this
7 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
8 extension of Respondent's probation period up to one year without further hearing in order to
9 comply with this condition. During the one year extension, all original conditions of probation
10 shall apply.

11 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
12 prior approval from the Board before commencing or continuing any employment, paid or
13 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
14 performance evaluations and other employment related reports as a registered nurse upon request
15 of the Board.

16 Respondent shall provide a copy of this Decision to her employer and immediate
17 supervisors prior to commencement of any nursing or other health care related employment.

18 In addition to the above, Respondent shall notify the Board in writing within seventy-two
19 (72) hours after she obtains any nursing or other health care related employment. Respondent
20 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
21 separated, regardless of cause, from any nursing, or other health care related employment with a
22 full explanation of the circumstances surrounding the termination or separation.

23 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
24 Respondent's level of supervision and/or collaboration before commencing or continuing any
25 employment as a registered nurse, or education and training that includes patient care.

26 Respondent shall practice only under the direct supervision of a registered nurse in good
27 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
28 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are

1 approved.

2 Respondent's level of supervision and/or collaboration may include, but is not limited to the
3 following:

4 (a) Maximum - The individual providing supervision and/or collaboration is present in
5 the patient care area or in any other work setting at all times.

6 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
7 care unit or in any other work setting at least half the hours Respondent works.

8 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
9 person communication with Respondent at least twice during each shift worked.

10 (d) Home Health Care - If Respondent is approved to work in the home health care
11 setting, the individual providing supervision and/or collaboration shall have person-to-person
12 communication with Respondent as required by the Board each work day. Respondent shall
13 maintain telephone or other telecommunication contact with the individual providing supervision
14 and/or collaboration as required by the Board during each work day. The individual providing
15 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
16 patients' homes visited by Respondent with or without Respondent present.

17 **9. Employment Limitations.** Respondent shall not work for a nurse's registry, in any
18 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
19 or for an in-house nursing pool.

20 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
21 registered nursing supervision and other protections for home visits have been approved by the
22 Board. Respondent shall not work in any other registered nursing occupation where home visits
23 are required.

24 Respondent shall not work in any health care setting as a supervisor of registered nurses.
25 The Board may additionally restrict Respondent from supervising licensed vocational nurses
26 and/or unlicensed assistive personnel on a case-by-case basis.

27 Respondent shall not work as a faculty member in an approved school of nursing or as an
28 instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$1,370.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

12. **Violation of Probation.** If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary

1 period shall automatically be extended and shall not expire until the accusation or petition has
2 been acted upon by the Board.

3 **13. License Surrender.** During Respondent's term of probation, if she ceases practicing
4 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
5 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
6 Respondent's request and to exercise its discretion whether to grant the request, or to take any
7 other action deemed appropriate and reasonable under the circumstances, without further hearing.
8 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
9 subject to the conditions of probation.

10 Surrender of Respondent's license shall be considered a disciplinary action and shall
11 become a part of Respondent's license history with the Board. A registered nurse whose license
12 has been surrendered may petition the Board for reinstatement no sooner than the following
13 minimum periods from the effective date of the disciplinary decision:

14 (1) Two years for reinstatement of a license that was surrendered for any reason other
15 than a mental or physical illness; or

16 (2) One year for a license surrendered for a mental or physical illness.

17 **14. Physical Examination.** Within 45 days of the effective date of this Decision,
18 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
19 assistant, who is approved by the Board before the assessment is performed, submit an
20 assessment of the Respondent's physical condition and capability to perform the duties of a
21 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
22 medically determined, a recommended treatment program will be instituted and followed by the
23 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
24 to the Board on forms provided by the Board.

25 If Respondent is determined to be unable to practice safely as a registered nurse, the
26 licensed physician, nurse practitioner, or physician assistant making this determination shall
27 immediately notify the Board and Respondent by telephone, and the Board shall request that the
28 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall

1 immediately cease practice and shall not resume practice until notified by the Board. During this
2 period of suspension, Respondent shall not engage in any practice for which a license issued by
3 the Board is required until the Board has notified Respondent that a medical determination
4 permits Respondent to resume practice. This period of suspension will not apply to the reduction
5 of this probationary time period.

6 If Respondent fails to have the above assessment submitted to the Board within the 45-day
7 requirement, Respondent shall immediately cease practice and shall not resume practice until
8 notified by the Board. This period of suspension will not apply to the reduction of this
9 probationary time period. The Board may waive or postpone this suspension only if significant,
10 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
11 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
12 Only one such waiver or extension may be permitted.

13 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

14 Respondent, at her expense, shall successfully complete during the probationary period or shall
15 have successfully completed prior to commencement of probation a Board-approved
16 treatment/rehabilitation program of at least six months duration. As required, reports shall be
17 submitted by the program on forms provided by the Board. If Respondent has not completed a
18 Board-approved treatment/rehabilitation program prior to commencement of probation,
19 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.
20 If a program is not successfully completed within the first nine months of probation, the Board
21 shall consider Respondent in violation of probation.

22 Based on Board recommendation, each week Respondent shall be required to attend at least
23 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
24 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
25 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
26 added. Respondent shall submit dated and signed documentation confirming such attendance to
27 the Board during the entire period of probation. Respondent shall continue with the recovery plan
28 recommended by the treatment/rehabilitation program or a licensed mental health examiner

1 and/or other ongoing recovery groups.

2 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
3 completely abstain from the possession, injection or consumption by any route of all controlled
4 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
5 are ordered by a health care professional legally authorized to do so as part of documented
6 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
7 days, by the prescribing health professional, a report identifying the medication, dosage, the date
8 the medication was prescribed, the Respondent's prognosis, the date the medication will no
9 longer be required, and the effect on the recovery plan, if appropriate.

10 Respondent shall identify for the Board a single physician, nurse practitioner or physician
11 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
12 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
13 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
14 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
15 considered addictive have been prescribed, the report shall identify a program for the time limited
16 use of any such substances.

17 The Board may require the single coordinating physician, nurse practitioner, or physician
18 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
19 medicine.

20 **17. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
21 random, biological fluid testing or a drug screening program which the Board approves. The
22 length of time and frequency will be subject to approval by the Board. Respondent is responsible
23 for keeping the Board informed of Respondent's current telephone number at all times.
24 Respondent shall also ensure that messages may be left at the telephone number when she is not
25 available and ensure that reports are submitted directly by the testing agency to the Board, as
26 directed. Any confirmed positive finding shall be reported immediately to the Board by the
27 program and Respondent shall be considered in violation of probation.

28 In addition, Respondent, at any time during the period of probation, shall fully cooperate

1 with the Board or any of its representatives, and shall, when requested, submit to such tests and
2 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
3 hypnotics, dangerous drugs, or other controlled substances.

4 If Respondent has a positive drug screen for any substance not legally authorized and not
5 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
6 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
7 practice pending the final decision on the petition to revoke probation or the accusation. This
8 period of suspension will not apply to the reduction of this probationary time period.

9 If Respondent fails to participate in a random, biological fluid testing or drug screening
10 program within the specified time frame, Respondent shall immediately cease practice and shall
11 not resume practice until notified by the Board. After taking into account documented evidence
12 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
13 suspend Respondent from practice pending the final decision on the petition to revoke probation
14 or the accusation. This period of suspension will not apply to the reduction of this probationary
15 time period.

16 **18. Mental Health Examination.** Respondent shall, within 45 days of the effective date
17 of this Decision, have a mental health examination including psychological testing as appropriate
18 to determine her capability to perform the duties of a registered nurse. The examination will be
19 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by
20 the Board. The examining mental health practitioner will submit a written report of that
21 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
22 Recommendations for treatment, therapy or counseling made as a result of the mental health
23 examination will be instituted and followed by Respondent.

24 If Respondent is determined to be unable to practice safely as a registered nurse, the
25 licensed mental health care practitioner making this determination shall immediately notify the
26 Board and Respondent by telephone, and the Board shall request that the Attorney General's
27 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
28 practice and may not resume practice until notified by the Board. During this period of

1 suspension, Respondent shall not engage in any practice for which a license issued by the Board
2 is required, until the Board has notified Respondent that a mental health determination permits
3 Respondent to resume practice. This period of suspension will not apply to the reduction of this
4 probationary time period.

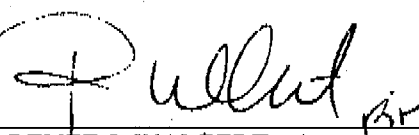
5 If Respondent fails to have the above assessment submitted to the Board within the 45-day
6 requirement, Respondent shall immediately cease practice and shall not resume practice until
7 notified by the Board. This period of suspension will not apply to the reduction of this
8 probationary time period. The Board may waive or postpone this suspension only if significant,
9 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
10 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
11 Only one such waiver or extension may be permitted.

12 19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in
13 an on-going counseling program until such time as the Board releases her from this requirement
14 and only upon the recommendation of the counselor. Written progress reports from the counselor
15 will be required at various intervals.

16 ACCEPTANCE

17 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
18 stipulation and the effect it will have on my Registered Nurse License, and Public Health Nurse
19 Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,
20 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
21 Registered Nursing.

22
23 DATED: 8/13/12

24 
RENEE J. WALBERT
Respondent

25 ///

26 ///

27 ///

28 ///

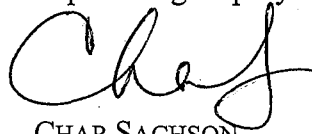
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 8/14/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General



CHAR SACHSON
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2012-393

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2 FRANK H. PACOE
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2012-393**

11 **RENEE J. WALBERT**
12 **4709 Valencia Way**
13 **Union City, CA 94587**

ACCUSATION

14 **Registered Nurse License No. 608816**
15 **Public Health Nurse Certificate No. 66318**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about November 6, 2002, the Board of Registered Nursing issued Registered
23 Nurse License Number 608816 to Renee J. Walbert (Respondent). The Registered Nurse License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 November 30, 2012, unless renewed.

26 3. On or about April 10, 2003, the Board of Registered Nursing issued Public Health
27 Nurse Certificate Number 66318 to Renee J. Walbert (Respondent). The Public Health Nurse
28

1 Certificate was in full force and effect at all times relevant to the charges brought herein and will
2 expire on November 30, 2012, unless renewed.

3 JURISDICTION

4 4. This Accusation is brought before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code unless otherwise indicated.

7 5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
8 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
9 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
10 Nursing Practice Act.

11 6. Section 2761 of the Code states:

12 "The board may take disciplinary action against a certified or licensed nurse or deny an
13 application for a certificate or license for any of the following:

14 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

15 ...

16 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
17 functions, and duties of a registered nurse, in which event the record of the conviction shall be
18 conclusive evidence thereof.

19 ..."

20 7. Section 2762 of the Code states:

21 "In addition to other acts constituting unprofessional conduct within the meaning of this
22 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
23 chapter to do any of the following:

24 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
25 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
26 administer to another, any controlled substance as defined in Division 10 (commencing with
27 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
28 defined in Section 4022.

1 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
3 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
4 himself or herself, any other person, or the public or to the extent that such use impairs his or her
5 ability to conduct with safety to the public the practice authorized by his or her license.

6 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
7 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
8 or the possession of, or falsification of a record pertaining to, the substances described in
9 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
10 thereof.

11 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of
12 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this
13 section, in which event the court order of commitment or confinement is prima facie evidence of
14 such commitment or confinement.

15 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
16 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
17 section."

18 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
19 revoke a license on the ground that the licensee has been convicted of a crime substantially
20 related to the qualifications, functions, or duties of the business or profession for which the
21 license was issued.

22 9. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
23 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
24 licensee or to render a decision imposing discipline on the license.

25 10. Section 118, subdivision (b), of the Code provides that the expiration of a license
26 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
27 within which the license may be renewed, restored, reissued or reinstated.

28

1 COST RECOVERY

2 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 FIRST CAUSE FOR DISCIPLINE

7 (CRIMINAL CONVICTIONS)

8 12. Respondent is subject to disciplinary action under sections 2761(a), 2761(f), 2762(c),
9 and/or 490 in that on or about May 16, 2011, in a criminal proceeding entitled *The People of the*
10 *State of California v. Renee Joy Walbert* in Alameda County Superior Court, Case Number
11 560193, Respondent was convicted by her plea of no contest of violating Vehicle Code section
12 23152(a) (driving while under the influence of alcohol). Respondent was sentenced to serve 120
13 days jail time and probation for three years, and ordered to pay fines in the amount of \$1813.00.
14 The circumstances of the conviction are that on or about March 16, 2010, at Telegraph and 32nd
15 Street in Oakland, Respondent was arrested for erratic driving. She appeared to be intoxicated,
16 had urinated in her pants, failed field sobriety tests, and became irate and uncooperative with the
17 arresting officer. She also refused chemical testing.

18 13. Respondent is further subject to disciplinary action under sections 2761(a), 2761(f),
19 and/or 490 in that on or about March 22, 2005, in a criminal proceeding entitled *The People of the*
20 *State of California v. Renee Joy Walbert* in Alameda County Superior Court, Respondent was
21 convicted of violating Vehicle Code section 23152(b) (driving with a blood alcohol level of .08%
22 or higher). Respondent was sentenced to serve probation.

23 14. Respondent is further subject to disciplinary action under sections 2761(a), 2761(f),
24 and/or 490 in that on or about February 22, 2002, in a criminal proceeding entitled *The People of*
25 *the State of California v. Renee Joy Walbert* in Alameda County Superior Court, Respondent was
26 convicted of violating Vehicle Code section 23152(a) (driving while under the influence of
27 alcohol). Respondent was sentenced to serve probation.

1 SECOND CAUSE FOR DISCIPLINE

2 (USING ALCOHOL IN A MANNER DANGEROUS TO SELF OR OTHERS)

3 15. Respondent is subject to disciplinary action under sections 2761(a) and/or 2762(b) in
4 that she used alcohol to an extent dangerous to herself or others, as alleged above in paragraphs
5 12, 13 and 14.

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

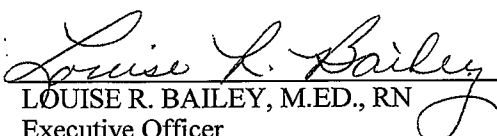
9 1. Revoking or suspending Registered Nurse License Number 608816, issued to Renee
10 J. Walbert;

11 2. Revoking or suspending Public Health Nurse Certificate Number 66318, issued to
12 Renee J. Walbert;

13 3. Ordering Renee J. Walbert to pay the Board of Registered Nursing the reasonable
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions
15 Code section 125.3;

16 4. Taking such other and further action as deemed necessary and proper.
17
18

19 DATED: December 22, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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